



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com



ATTORNEYS AT LAW SINCE 1895

VIA FEDERAL EXPRESS

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20024

August 5, 2009

Re: Reading Blue Mountain and Northern Railroad Company
- Discontinuance of Service Exemption -
In Berks County, PA
STB Docket No. AB-996 (Sub-No. 2X)

Dear Secretary Quinlan:

Enclosed for filing please find the original and 10 copies of the Notice of Exempt Discontinuance of Reading Blue Mountain and Northern Railroad Company. Also enclosed is our check in the amount of \$3700 representing the filing fee for this Notice.

Please time stamp the extra copy of the Notice to indicate receipt and return it to me in the self-addressed stamped envelope provided for your convenience.

Please let know if there are any questions about the filing. Thank you for your assistance.

Respectfully,

Eric M. Hocky

EMH/e

Enclosures

cc: RBMN (by email; w/encl.)
All persons on service list (by mail; w/encl.)

ENTERED
Office of Proceedings
AUG 6 - 2009
Part of
Public Record

Pittsburgh
Philadelphia
Princeton
Wheeling

Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax

(P0074809)

225497



Before the

SURFACE TRANSPORTATION BOARD

STB Docket No. AB-996 (Sub-No. 2X)

**READING BLUE MOUNTAIN AND NORTHERN
RAILROAD COMPANY**

**- DISCONTINUANCE OF SERVICE EXEMPTION -
IN BERKS COUNTY, PA**

**ENTERED
Office of Proceedings**

AUG 6 - 2009

**Part of
Public Record**

NOTICE OF EXEMPT DISCONTINUANCE

FILED

AUG 6 - 2009

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

AUG 6 - 2009

**SURFACE
TRANSPORTATION BOARD**

ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500

Attorneys for
Reading Blue Mountain and Northern
Railroad Company

Dated: August 5, 2009

{PGC68C82}

Before the
SURFACE TRANSPORTATION BOARD
STB Docket No. AB-996 (Sub-No. 2X)



**READING BLUE MOUNTAIN AND NORTHERN
RAILROAD COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN BERKS COUNTY, PA**

NOTICE OF EXEMPT DISCONTINUANCE

Reading Blue Mountain and Northern Railroad Company ("Applicant" or "RBMN") is seeking an exemption to discontinue service over a portion of its Pennsy Branch between milepost 67.8 at or near Shackamaxon Street in Leesport, Berks County, Pennsylvania, and the end of the line at milepost 76.4 at or near Grand Street in Hamburg, Berks County, Pennsylvania ("the Line"). The last local service over the Line was in February 2006. Because this is a stub ended line, there has been no overhead service.

This Notice of Exempt Discontinuance is being filed pursuant to the requirements of 49 C.F.R. §1152.50. In accordance with such requirements, Applicant hereby states as follows:

1. The exact name of Applicant is Reading Blue Mountain and Northern Railroad Company.
2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
3. The relief sought is an exemption for the discontinuance of service over a portion of Applicant's line of railroad which runs between milepost 67.8 at or near Shackamaxon Street in

Leesport, Berks County, Pennsylvania, and the end of the line at milepost 76.4 at or near Grand Street in Hamburg, Berks County, Pennsylvania.

4. A detailed map of the Line is attached hereto as Exhibit A.
5. The representative of Applicant to whom correspondence should be sent is:

Eric M. Hocky, Esquire
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500

6. The Line to be discontinued traverses through United States ZIP Codes 19533, 19555 and 19526.

7. Because this is a discontinuance, trail use / rail banking and other public use conditions are not appropriate.¹ Further, Applicant intends to use the discontinued Line as private railroad track for car storage and other private uses.

8. Applicant proposes to consummate the discontinuance on or after September 24, 2009.

9. Applicant certifies that:

(a) No local traffic has moved over the Line for at least two years. (The last local service was in February 2006.) This has been no overhead traffic because this is a stub-ended line.

(b) No formal complaint by a user of rail service on the Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Line either is

¹ See *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008); *Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA*, STB Docket No. AB-721X (served November 16, 2007); *Columbus and Greenville Railway Company – Discontinuance of Service Exemption – In Greenwood, MS*, STB Docket No. AB-297 (Sub-No. 103X) (served July 2, 2007).

pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two year period.

10. Although no employees of Applicant will be affected by the proposed discontinuance, Applicant recognizes that this discontinuance will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

11. Because this is a discontinuance, no environmental or historic report is required.²

12. Applicant has complied with the notice requirements of 49 C.F.R. §1105.11. Notice was published on July 27, 2009, in the *Reading Eagle*, and a corrected notice was published on August 4, 2009.³ Applicant has not yet received the proofs of publication, but will provide copies once they have been received. (Copies of the forms of notice are attached as Exhibit B.)

13. Applicant has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). Copies of the notices dated July 24, 2009, and August 3, 2009, sent to governmental agencies are attached hereto as Exhibit C.⁴

² See the decisions cited in footnote 1.

³ After the initial notice was published, Applicant realized that the wrong milepost had been used for the end of the Line. To ensure there was no confusion, Applicant published a corrected notice.

⁴ After the initial notice was mailed, Applicant realized that the wrong milepost had been used for the end of the Line. To ensure there was no confusion, Applicant sent corrected notices.

{P0068082}

For the reasons set forth above, the Board should find that Applicant's proposed discontinuance satisfies the exemption requirements of 49 C.F.R. §1152, and should issue the appropriate notice.

Respectfully submitted,



ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500

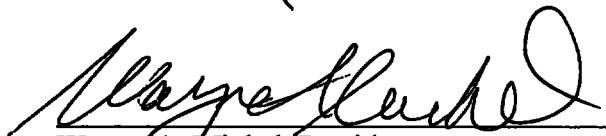
Attorneys for
Reading Blue Mountain and Northern
Railroad Company

Dated: August 5, 2009

VERIFICATION

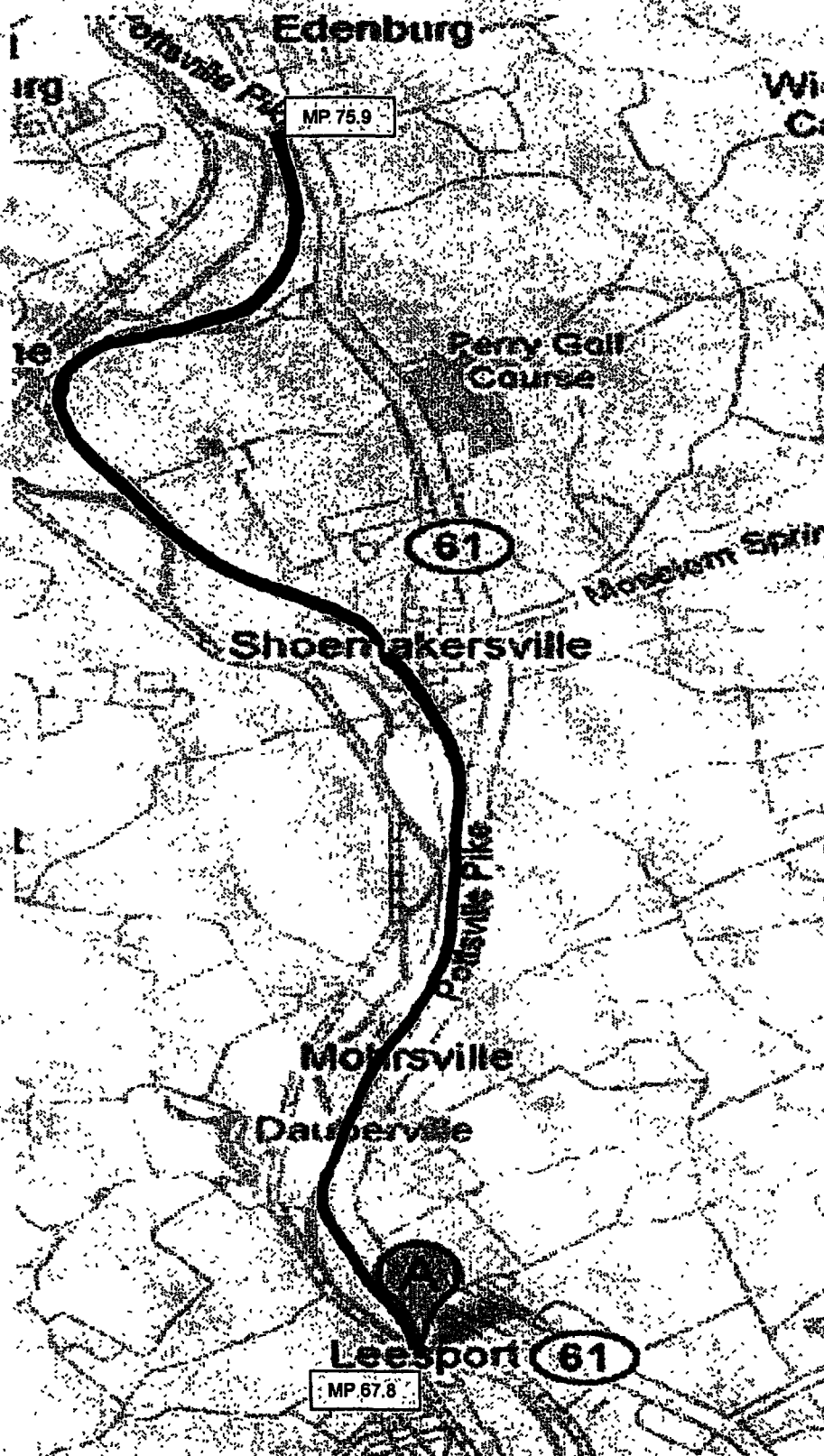
I hereby verify on behalf of Reading Blue Mountain and Northern Railroad Company, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on August 3, 2009.



Wayne A. Michel, President

EXHIBIT A - MAP



Highlighted area
indicates
discontinuance
portion
MP 67.8 to MP
75.9

EXHIBIT B – NEWSPAPER NOTICE

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

Reading Blue Mountain & Northern Railroad Company gives notice that on or about August 6, 2009, it intends to file with the Surface Transportation Board ("STB"), Washington, DC 20423, a notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F – *Exempt Abandonments* permitting the discontinuance of service over 8.10 miles of the line of railroad between milepost 67.8 at or near Shackamaxon Street in Leesport, Berks County, Pennsylvania and milepost 75.9 at or near Station Road in Hamburg, Berks County, Pennsylvania. The line traverses through United States ZIP Codes 19533, 19555 and 19526. The proceeding will be docketed as STB Docket No. AB-966 (Sub-No. 2X).

Because the proposed action entails the discontinuance, and not the abandonment, of service over the line, no environmental or historic documentation is required, and the STB will not prepare an environmental assessment.

Appropriate offers of financial assistance to subsidize continued rail service can be filed with the STB. Because this is a discontinuance proceeding, trail use / rail banking and public use conditions are not appropriate. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the STB's Office of the Secretary, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the STB's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Esquire, Thorp, Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

CORRECTED NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

This notice corrects the notice published on July 27, 2009, to provide a changed milepost reference for the end of the affected line of railroad. Corrected information is listed in **bold**.

Reading Blue Mountain & Northern Railroad Company gives notice that on or about August 5, 2009, it intends to file with the Surface Transportation Board ("STB"), Washington, DC 20423, a notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F – *Exempt Abandonments* permitting the discontinuance of service over **8.6** miles of the line of railroad between milepost 67.8 at or near Shackamaxon Street in Leesport, Berks County, Pennsylvania and **milepost 76.4 at or near Grand Street** in Hamburg, Berks County, Pennsylvania. The line traverses through United States ZIP Codes 19533, 19555 and 19526. The proceeding will be docketed as STB Docket No. AB-966 (Sub-No. 2X).

Because the proposed action entails the discontinuance, and not the abandonment, of service over the line, no environmental or historic documentation is required, and the STB will not prepare an environmental assessment.

Appropriate offers of financial assistance to subsidize continued rail service can be filed with the STB. Because this is a discontinuance proceeding, trail use / rail banking and public use conditions are not appropriate. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the STB's Office of the Secretary, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the STB's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Esquire, Thorp, Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; **215-640-8500**.

EXHIBIT C – 10 DAY NOTICES



Eric M. Hocky
Direct Dial 215 640 8523
Email: ehocky@thorpreed.com

July 24, 2009

All Agencies as per attached Service List

RE: Reading Blue Mountain & Northern Railroad Company
- Discontinuance of Service Exemption -
In Berks County, PA
STB Docket No. AB-966 (Sub-No. 2X)

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Reading Blue Mountain & Northern Railroad Company ("RBMN") plans to seek authorization from the Surface Transportation Board ("STB") for its proposed discontinuance of service of the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F. RBMN expects to file the notice of exemption with the STB on or about August 6, 2009, under STB Docket No. AB-966 (Sub-No. 2X).

RBMN will be seeking an exemption to discontinue service of the line of railroad between milepost 67.8 at or near Shackamaxon Street in Leesport, Berks County, Pennsylvania and milepost 75.9 at or near Station Road in Hamburg, Berks County, Pennsylvania (collectively "the Line"). The Line traverses through United States ZIP Codes 19533, 19555 and 19526. A map of the Line is enclosed with this letter.

RBMN understands that the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

RBMN intends to leave the Line in place following the Line's discontinuance and to use it as private track for railroad purposes.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eric M. Hocky', written over a printed name label.

Eric M. Hocky

Enclosure
EMH/cdl

cc: Wayne A. Michel



July 24, 2009

Page 2

Service List:

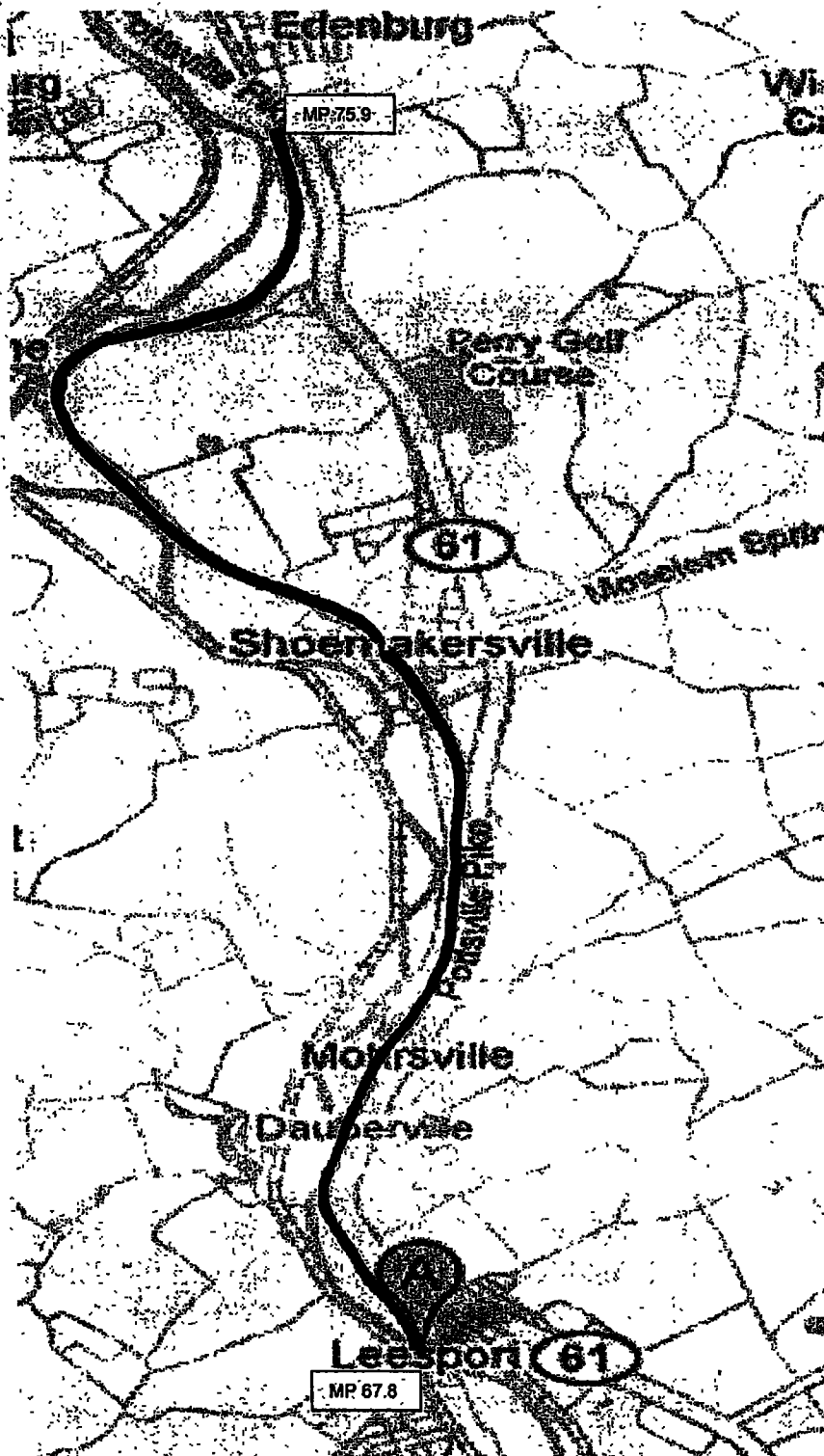
Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Pennsylvania Department of Transportation
Keystone Building
400 North Street
Harrisburg, PA 17120
Attn: Gina D'Alfonso, Esquire

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
(Org code 2240)
Washington, DC 20240

United States Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357



Highlighted area
indicates
discontinuance
portion
MP 67.8 to MP
75.9



Eric M. Hocky
Direct Dial 215 640 8523
Email. ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

August 3, 2009

All Agencies as per attached Service List

RE: Reading Blue Mountain & Northern Railroad Company
- Discontinuance of Service Exemption -
In Berks County, PA
STB Docket No. AB-966 (Sub-No. 2X)
Corrected Notice

Dear Sir or Madam:

We previously sent you a letter dated July 24, 2009 regarding this discontinuance. After the letter was sent, we discovered that the description of the line contained a mistake in the milepost designation for the end of the line. This letter contains the corrected endpoint information regarding this discontinuance. For your convenience, we are re-sending the entire notice; corrected information is listed in **bold**.

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Reading Blue Mountain & Northern Railroad Company ("RBMN") plans to seek authorization from the Surface Transportation Board ("STB") for its proposed discontinuance of service of the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F. RBMN expects to file the notice of exemption with the STB on or about August 5, 2009, under STB Docket No. AB-966 (Sub-No. 2X).

RBMN will be seeking an exemption to discontinue service of the line of railroad between milepost 67.8 at or near Shackamaxon Street in Leesport, Berks County, Pennsylvania and **milepost 76.4 at or near Grand Street in Hamburg, Berks County, Pennsylvania** (collectively "the Line"). The Line traverses through United States ZIP Codes 19533, 19555 and 19526. A **corrected** map of the Line is enclosed with this letter.

RBMN understands that the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorpe Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax

{P0068360}



August 3, 2009

Page 2

RBMN intends to leave the Line in place following the Line's discontinuance and to use it as private track for railroad purposes.

Very truly yours,

Eric M. Hocky/cdl
Eric M. Hocky

Enclosure

EMH/cdl

cc: Wayne A. Michel

August 3, 2009

Page 3

Service List:

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

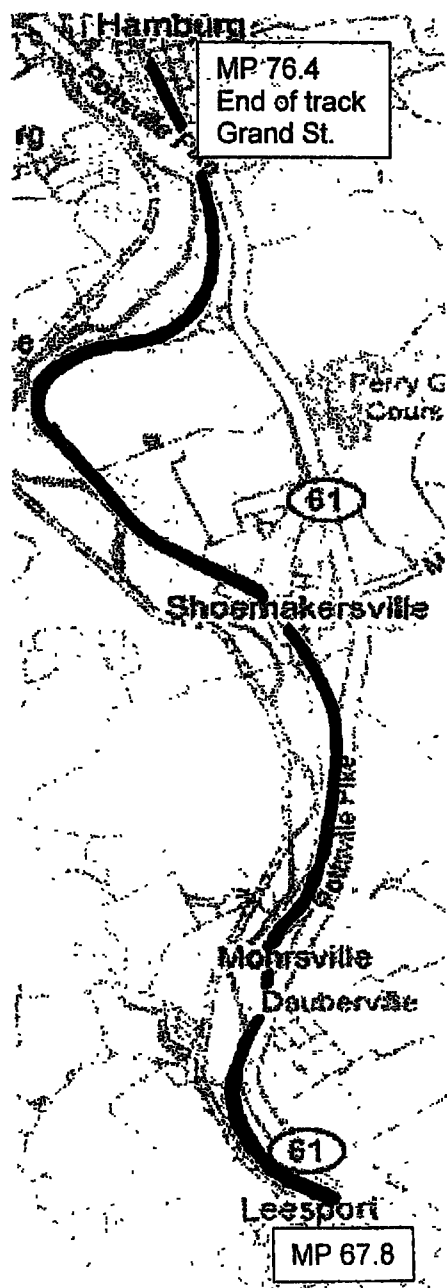
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Pennsylvania Department of Transportation
Keystone Building
400 North Street
Harrisburg, PA 17120
Attn: Gina D'Alfonso, Esquire

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
(Org code 2240)
Washington, DC 20240


United States Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

HIGHLIGHTED AREA INDICATES
DISCONTINUANCE
MP 67.8 TO MP 76.4 END OF TRACK



CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Abandonment was served on the following persons shown on the attached list by first class mail, postage prepaid.



ERIC M. HOCKY

Dated: August 5, 2009

Service List for STB Docket No. AB-966 (Sub-No. 2X)

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Pennsylvania Department of Transportation
Keystone Building
400 North Street
Harrisburg, PA 17120
Attn: Gina D'Alfonso, Esquire

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
(Org code 2240)
Washington, DC 20240

United States Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357